

**Remarks**

Applicant respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-55 are pending in the application. Claims 1-55 are rejected. Claims 1, 25, 28, 36, 51 and 52 are independent.

***Objection to the Abstract***

The Action reminds Applicants “of the proper language and format for an abstract of the disclosure,” but does not raise any specific objection to the abstract. [See Action at p. 2.] However, in the spirit of the Action’s reminder, Applicants have deleted the first sentence of the abstract, which repeats some information that is already present in the title.

***Rejections Under 35 U.S.C. § 101***

The Action rejects claim 23 under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, Applicants have amended claim 23, which now recites in part, “The method of claim 1 further comprising: storing the adjusted image data on a computer-readable medium at the target computer.” The rejection of claim 23 under 35 U.S.C. § 101 should be withdrawn. Such action is respectfully requested.

***Rejections Under 35 U.S.C. 102(e)***

The Action rejects claims 1-3, 7-17, 19-37 and 41-55 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,930,718 to Parulski et al. (“Parulski”). Applicants respectfully traverse these rejections and submit the claims in their present form are allowable over the applied art.

For a 102(b) rejection to be proper, the applied art must show each and every element as set forth in a claim. (See MPEP § 2131.) Applicants respectfully submit that the claims in their present form are allowable over the applied art because it does not teach or suggest all the claim limitations of claims 1-3, 7-17, 19-37 and 41-55.

*Independent Claim 1*

As amended, independent claim 1 recites in part:

transferring a digital image file containing a digital image from a digital image data source device to a target computer;

at the target computer, analyzing image data from the digital image file; and

at the target computer, adjusting the image data from the digital image file based at least in part on the analysis of the image data,

wherein the analyzing and the adjusting are performed automatically at the target computer, and wherein the analyzing and the adjusting are initiated by the transferring of the digital image file from the digital image data source device to the target computer.

Parulski does not teach or suggest the above-cited language of independent claim 1.

Parulski describes a camera that captures an “evaluation image” and an “archival image” and provides suggested revisions of the archival image to a user of the camera, including suggestions for changing exposure parameters, changing the position of the subject, and changing the orientation of the camera. [See, e.g., Parulski at col. 17, l. 8-13; col. 20, l. 22-50; FIGs. 31a-31c, 47 and 48.] Parulski describes displaying a “revision suggestion image” to a user to give the user an idea of how an image would look if it were modified (e.g., by changing exposure parameters) according to a revision suggestion. [See *id.* at col. 26, l. 6-24.] An original image edited according to a selected revision suggestion can be stored in memory of the camera. [See *id.* at col. 42, l. 50-55.] Parulski describes a camera that can transfer digital images through a docking interface to a computer for printing. [See *id.* at col. 44, l. 16-18; FIG. 50.] Parulski mentions revision suggestions that can be “automatically implemented by the particular camera” and others that cannot. [See *id.* at col. 41, l. 43-50.] Parulski also mentions automatic camera features common to many cameras, such as auto-focus and auto-flash features. [See *id.* at col. 17, l. 32-33.]

However, Parulski does not teach or suggest “wherein the analyzing and the adjusting are performed automatically at the target computer, and wherein *the analyzing and the adjusting are initiated by the transferring of the digital image file from the digital image data source device to the target computer*,” as recited in independent claim 1. Parulski’s description of suggesting revisions, displaying a “revision suggestion image” to a user, and storing an image edited according to a selected revision suggestion in memory of the camera does not suggest and

ignores the benefits of automatic analysis and adjustment at a *target computer*. In particular, *Parulski does not teach or suggest automatic analysis and adjustment at a target computer that is initiated by transferring a digital image file from a digital image data source device to the target computer.*

Technology falling within the scope of claim 1 has advantages over the Parulski art cited by the Examiner. For example, automatically analyzing and adjusting digital images at a target computer provides the benefit of automatic analysis and adjustment regardless of how the images were captured. For example, a digital image created by scanning a photograph on paper can be transferred to a target computer and automatically analyzed and adjusted at the target computer when the digital image file is transferred to the target computer. As another example, digital images stored on removable media can be transferred to a target computer and automatically analyzed and adjusted at the target computer when the digital image file is transferred to the target computer.

Parulski also does not teach or suggest elements of amended independent claims 25, 28, 36, 51 and 52. For example,

- independent claim 25 recites in part, “responsive to the transfer of the digital image file, analyzing image data from the digital image file at the target computer” and “prior to receiving any user input relating to the analyzing, adjusting the image data from the digital image file at the target computer based at least in part on the analysis”;
- independent claim 28 recites in part, “a communication connection device at a target computer for acquiring one or more digital images from a digital image source device,” “an image analysis software module at the target computer for analyzing the one or more acquired digital images at image acquisition time, wherein the analyzing is initiated by the acquiring” and “an image adjustment software module at the target computer for adjusting the one or more acquired digital images at image acquisition time, wherein the adjusting is based at least in part on the analyzing”;
- independent claim 36 recites in part, “at a target computer: means for receiving a digital image from a digital image source device; means for analyzing digital image data for the

received digital image, wherein the means for analyzing automatically analyzes the digital image data responsive to the receiving; and means for adjusting the received digital image based on the automatic analysis of the digital image data”;

- independent claim 51 recites in part, “receiving a software platform for analyzing and adjusting digital images at a target computer responsive to receiving the digital images at the target computer from a source device, wherein the software platform comprises a customizable software architecture”;
- independent claim 52 recites in part, “a customizable software architecture for adjusting digital image data at a target computer based on analysis performed at the target computer, wherein the adjusting and the analysis of the digital image data is responsive to acquisition of digital images by the target computer from a digital image source device, wherein the customizable software architecture is capable of operably coupling one or more image adjustment modules encapsulating image adjustment functions to one or more image analysis modules.”

Claims 1, 25, 28, 36, 51 and 52 are allowable. Claims 2, 3, 7-17 and 19-24 depend from claim 1 and are allowable for at least the reasons given above in support of claim 1. Claims 26 and 27 depend from claim 25 and are allowable for at least the reasons given above in support of claim 25. Claims 29-35 depend from claim 28 and are allowable for at least the reasons given above in support of claim 28. Claims 37 and 41-50 depend from claim 36 and are allowable for at least the reasons given above in support of claim 36. Claims 53-55 depend from claim 52 and are allowable for at least the reasons given above in support of claim 52. Therefore, the rejection of claims 1-3, 7-17, 19-37 and 41-55 under 35 U.S.C. § 102(e) should be withdrawn. Such action is respectfully requested.

Dependent claims 4-6, 18 and 38-40 also are allowable. The rejections of dependent claims 4-6, 18 and 38-40 are addressed below.

***Rejections under 35 U.S.C. § 103***

The Action rejects claims 4-6, 18 and 38-40 under 35 U.S.C. 103(a) as being unpatentable over Parulski in view of the Examiner's official notice. [See Action at p. 11.] Applicants respectfully traverse these rejections.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2142.) Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (See MPEP § 2143.01.)

Applicants respectfully submit that the claims in their present form are allowable over the applied art. The applied art does not teach or suggest the recited language of independent claim 1, from which claims 4-6 and 18 depend, or the recited language of independent claim 36, from which claims 38-40 depend. For example, Parulski does not teach or suggest “wherein the analyzing and the adjusting are performed automatically at the target computer, and wherein *the analyzing and the adjusting are initiated by the transferring of the digital image file from the digital image data source device to the target computer*,” as recited in independent claim 1, or “at a target computer: means for receiving a digital image from a digital image source device; means for analyzing digital image data for the received digital image, wherein the means for analyzing automatically analyzes the digital image data responsive to the receiving; and means for adjusting the received digital image based on the automatic analysis of the digital image data,” as recited in independent claim 36.

Claims 4-6, 18 and 38-40 are allowable for at least the reasons given above for the allowability of their respective parent claims. Therefore, the rejections of claims 4-6, 18 and 38-40 under 35 U.S.C. § 103(a) should be withdrawn. Such action is respectfully requested.

***Request For Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite

prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By   
Stephen A. Wight  
Registration No. 37,759